

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

Minutes
15 October 2004
466th Regular Meeting
Central Valley Regional Water
Quality Control Board

BOARD MEMBERS PRESENT

Robert Schneider, Chair, Karl Longley, Vice Chair, Alson Brizard, Robert Fong, Lucille Palmer-Byrd, Christopher Cabaldon, Cher Kablanow, Members.

STAFF PRESENT

Tom Pinkos, Frances McChesney, Ken Landau, Jack DelConte, Bill Marshall, Sue McConnell, Jon Marshack, Jim Martin Shelton Gray, Sue McConnell, Les Obata Alex Baillie, and Janice Tanaka

OTHERS PRESENT

Alexis Strauss, Director, USEPA
Art O'Brien, City of Roseville
Warren Tellefson, CVCWA
David Cory, SJR Exchange Contractors
Bill Jennings, DeltaKeeper
Jenny Harbine, DeltaKeeper
Thomas Thomas, Stockton Standing Up
Blanche Ingraham, Stockton Standing Up
Robert Kavanaugh, Port of Stockton
Jeffrey Wingfield, Port of Stockton
Phillip Ross, Port of Stockton
Jeff Kaspar, Port of Stockton
Richard Aschieris, Port of Stockton

Gail Delihant, Assemblyman Aghazarian's Office
Thomas Trexler, Jones & Stokes
Jeff Bold, Geomatrix
Russell Grimes, CA Bay-Delta Authority
Jeff Scharff, Davis Trust
Kristen Castanos, City of Stockton
Ron Rackley, Dept of Corrections
Jeff Palumbo, Dept of Corrections
Ann Chargin
Carolyn Hackett
Donald Miller

EXECUTIVE OFFICERS REPORT

Tom Pinkos discussed the Personnel section of the Report, including: active recruitment for 40 vacant positions, and promotion of Kelly Briggs to Enforcement Officer, Jim Pedri to Principle Engineer, and David Sholes to Senior Engineer.

Mr. Pinkos discussed the addendum to the EO Report, including the MMPs that are an escalating workload, dedication of the new City of Lincoln Wastewater Reclamation Facility, the staff presentation to the San Joaquin County Manufacturers Industrial Distribution Roundtable, and Hilmar Cheese. Regarding Hilmar Cheese, a complaint has been received by the Governor's office about serious water quality problems at the facility and the lack of Regional Board enforcement action. Mr. Pinkos reported that the Fresno staff is working on the problem and a recommendation on appropriate action is expected soon.

BOARD MEMBER COMMUNICATION

Chairman Schneider discussed the proposed Board meeting calendar for 2005. The January Board meeting is fixed, but members should review their calendars and be prepared to discuss the meeting schedule during the December Board meeting. The April 2005 meeting will need to be coordinated with the State Board for a joint session on irrigated lands issues.

Karl Longley reported that he and Al Brizard had attended the Irrigated Lands Technical Issues Committee meeting. Committee meetings have been tentatively scheduled every other month through mid-2005. A

major issue to be discussed is the use of bioassessment as a technique to identify water quality impacts. A focus group was formed to report back to the Committee. Chairman Schneider thanked Dr. Longley for his efforts in leading the Committee. Dr. Longley and Mr. Brizard also both attended a meeting with the Wine Institute regarding the Institute's waste disposal practices. The Institute's proposals are not yet ready for presentation to the full Board.

Chairman Schneider reported that he had spoken with Art O'Brien (City of Roseville) regarding Basin Plan Amendment procedures, and with Bill Jennings regarding the time available for testimony for the Port of Stockton dredging item, and regarding a Freedom of Information Act filing. The Chair also reported speaking with Chuck Roe regarding a Brownfields development in Davis and attending meetings with the Sacramento Valley Coalition regarding monitoring plans and the Yolo County Flood Control District regarding the agricultural waivers. The Chair with Al Brizard attended the Agricultural Stakeholder meeting in Modesto and an Agricultural Subcommittee meeting.

PUBLIC FORUM

Art O'Brien, Wastewater Utilities Manager for Roseville, presented information on new effluent coolers installed at the Roseville Dry Creek Wastewater Treatment Plant. The \$3.5 million coolers are effectively lowering effluent temperature. Additional coolers can be added as needed. The Chair thanked Roseville for their leadership within the wastewater community.

Warren Tellefson of the Central Valley Clean Water Association noted that the Triennial Review identifies many deficiencies in the Basin Plan, but there are no resources to deal with the problems. Permit-by-permit resolutions are not efficient or consistent. Focused Basin Plan amendments are slow and costly. The Association requests that a group of Board members and staff meet with the Association to discuss possible solutions to the procedural problems. The Chair suggested that the Association participate in the next Triennial Review, which Jerry Bruns reported would occur in late 2005. Ken Landau suggested that staff meet with the Association prior to the Triennial Review to discuss their concerns and ideas.

Don Miller, resident of Davis, requested Board designation of a responsible party for a TCE cleanup site at Third and I Streets in Davis. Mr. Miller and his partners had purchased the property in 1952 and had a series of tenants, one of which (Paul Moller) had used TCE and created soil and groundwater problems. The \$200,000 in site investigations and anticipated costs are using up available retirement funds. The Board was asked to direct staff to name Paul Moller as the party responsible for cleanup, which, according to Mr. Miller, staff has previously refused to do. The Board and Mr. Miller will be provided with a written explanation of why Mr. Moller will or will not be named as the responsible party for the cleanup.

Alexis Strauss, Director of the Region 9 USEPA Water Division, thanked the Board for the many NPDES Permit and TMDL adoptions at the September Board meeting and handed out graphical summaries of NPDES Permit backlogs for the nine Regional Boards.

David Corey with the San Joaquin River Water Quality Management Group reported that the Group was meeting frequently and making progress.

Bill Jennings, DeltaKeeper, discussed the following:

- Accolades were given to Roseville for installation of effluent coolers. Equivalent efforts by EID would have eliminated much litigation.
- Supporters of increased Basin Plan amendment activity should request additional Regional Board resources from the legislature.
- DeltaKeeper has been concerned about movement of Port of Stockton dredge spoils from the Trapper Slough levee repair. 2 ½" of rain recently fell near there. The Roberts 2 site has a huge excavation of spoils, but there is no documentation of where it was sent. Roberts 1 materials were also used for levee repairs, but Regional Board staff is not overly worried about it and no cleanup plans are in place. These are clear violations of the Port's WDRs. Enforcement action is needed. An earlier ACL had greatly improved the Port's responsiveness to water quality issues, and it is time to provide further encouragement.

Bill Marshall reported that a Monitoring Program has been drafted for the Trapper Slough levee repair and discussed with DWR. Although not final, DWR is implementing the program. The Program is expected to be signed shortly. Staff is still waiting for a report from the Port on dredge spoils usage. The Port has

promised the report “soon”. Dr. Longley requested better definition of “soon”. The Board requested a status report from the Executive Officer.

OTHER BUSINESS

The September 2004 minutes were approved as written.

The Board met in closed session to discuss ongoing litigation and personnel matters.

UNCONTESTED CALENDAR

City of Stockton and County of San Joaquin, San Joaquin County – *Consideration of Approval of Storm Water Management Plan for Phase I Municipal Storm Sewer NPDES Permit*

A public hearing was held. No one appeared to contest the proposed order.

MOTION: By Mr. Longley seconded by Ms. Kablanow to approve the proposed order. Unanimously approved.

County of Sacramento and the Cities of Citrus Heights, Elk Grove, Folsom, Galt, Sacramento and Rancho Cordova – *Consideration of Approval of Storm Water Quality Improvement Plan for Municipal Separate Storm Sewer Systems (MS4) Permit*

A public hearing was held. No one appeared to contest the proposed order.

MOTION: By Mr. Cabaldon seconded by Mr. Longley to approve the proposed order. Unanimously approved.

ENFORCEMENT

California Department of Corrections, Deuel Vocational Institution, San Joaquin County - *Consideration of Administrative Civil Liability Order and Supplemental Environmental Project*

A public hearing was held. No one appeared to contest the proposed order.

MOTION: By Mr. Longley seconded by Mr. Brizard to approve the proposed order. Unanimously approved.

City of Manteca Wastewater Quality Control Facility, San Joaquin County - *Consideration of Amending Cease and Desist Order No. R5-2004-0029*

A public hearing was held. No one appeared to contest the proposed order.

MOTION: By Mr. Longley seconded by Mr. Cabaldon to approve the proposed order. Unanimously approved by role call vote.

NPDES PERMITS

Uncontested NPDES Permits

- a. Sacramento County Sanitation District No. 1, Walnut Grove Wastewater Treatment Plant, Sacramento County.
- b. Paradise Irrigation District, Water Treatment Plant, Butte County
- c. Mt. Lassen Trout Farms, Inc., & PG&E Company, Mt. Lassen Trout Farms’ Millseat Facility, Shasta County
- d. Mt. Lassen Trout Farms, Inc., & PG&E Company, Mt. Lassen Trout Farms’ Volta Facility, Shasta County.

- e. Mt. Lassen Trout Farms, Inc., & Dale Family Partnership, Mt. Lassen Trout Farms' Dales Facility, Tehama County.
- f. Mt. Lassen Trout Farms, Inc., & Lel & R. & Shirley E. Davis, Mt. Lassen Trout Farms' Jeffcoat East Facility, Tehama County.
- g. Mt. Lassen Trout Farms, Inc., & Lel & R. & Shirley E. Davis, Mt. Lassen Trout Farms' Jeffcoat West Facility, Tehama County.
- h. Mt. Lassen Trout Farms, Inc., & Fred & Nancy Cline, Mt. Lassen Trout Farms' Meadowbrook Facility, Tehama County.
- i. Mt. Lassen Trout Farms, Inc., & Marion Jones, Mt. Lassen Trout Farms' Willow Springs Facility, Tehama County.
- j. Quincy Community Services District, Wastewater Treatment Plant and Collection System, Plumas County.
- k. City of Corning and Eco Resources Inc., Corning Wastewater Treatment Plant, Tehama County.

A public hearing was held. No one appeared to contest the proposed orders.

MOTION: By Mr. Cabaldon seconded by Mrs. Palmer-Byrd to approve the proposed orders as amended.
Unanimously approved.

WASTE DISCHARGE REQUIREMENTS

Uncontested Change of Name and/or Ownership

- a. Long Beach Oil Development Company, UDF Lease, South Belridge Oil Field, Kern County
- b. Vita-Pakt Citrus Products Co., Fruit Processing & Dehydrating Plant, Fresno County
- c. Pleasure Cove Resort, Richard and Judith Delooze, and the United States Department of Interior, Bureau of Reclamation, Napa County
- d. Danone Waters of North America, Dannon Natural Spring Water Bottling Facility, Siskiyou County
- e. City of Lathrop and Richland Communities, Inc., Wastewater Treatment Facility No. 1 (Crossroads), San Joaquin County
- f. Plains Exploration & Production Company, Cagle-USL Lease, East Coalinga Extension Oil Field, Fresno County

A public hearing was held. No one appeared to contest the proposed order.

MOTION: By Mr. Longley seconded by Ms. Kablanow to approve the proposed order. Unanimously approved.

Uncontested Rescissions

- a. Alpine Forest Park, Inc., Kern County
- b. Sunrise Handy Market, Tulare County
- c. Murrieta Westlands Trust and managed by Westside Resource Conservation District, Fresno County

A public hearing was held. No one appeared to contest the proposed order.

MOTION: By Mr. Longley seconded by Ms. Palmer-Byrd to approve the proposed order. Unanimously approved.

Uncontested Waste Discharge Requirements

- a. Sierra Cedar Products, Incorporated, Former Feather River Forest Products Site, Enhanced Bioremediation Pilot Study, Marysville, Yuba County
- b. Kruger Foods, Inc. – SMS Briners Vegetable Brining Facility, Closure, Post Closure and Corrective Action of Surface Impoundments, San Joaquin County
- c. Stanislaus County Department of Public Works, Fink Road Class II and Class III Landfills, Class II Surface Impoundments, Stanislaus County

- d. Forward Inc. and Allied Waste Inc., Closure of French Camp Landfill, San Joaquin County
- e. Conti Group Companies, Incorporated, French Camp Grain Elevator, Enhanced Remediation Pilot Study, San Joaquin County
- f. County of Madera and Madera Disposal Systems, Inc., for Construction and Operation, Fairmead Municipal Solid Waste Landfill, Madera County
- g. County of Merced, for Construction and Operation, Highway 59 Solid Waste Landfill, Merced County

A public hearing was held. No one appeared to contest the proposed order.

MOTION: By Mr. Longley seconded by Ms. Kablanow to approve the proposed orders. Unanimously approved.

OTHER BUSINESS

Delegation of Board Functions in the Event of Absence of a Quorum - Delegate Authority to Chair or Board Member Subcommittee for Hearing Panels and Litigation

A public hearing was held. Ken Landau presented the staff report. There was no additional testimony.

MOTION: By Mr. Schneider seconded by Ms. Kablanow to approve the proposed resolution with amendments. Unanimously approved.

CONTESTED CALENDAR

NPDES PERMITS

Stockton Port District, Port of Stockton, San Joaquin County – *Consideration of Renewal of Municipal Storm Sewer System NPDES Permit*

A public hearing was held. Brett Stevens presented the staff report. Additional testimony was given by Jeff Wingfield, Bill Jennings and Tom Trexlar. This item was tabled to the end of the meeting.

WASTE DISCHARGE REQUIREMENTS

Port of Stockton, West Complex Dock Dredging Project, San Joaquin County – *Consideration of Adoption of Waste Discharge Requirements*

A public hearing was held. Sue McConnell, Victor Izzo and Les Grober presented the staff report. Additional testimony was given by Richard Aschieris, Phillip Ross, Ann Chargin, Blanche Ingraham, David Cory, Thomas Thomas, Robert Kavanaugh, Jeff Bold and Bill Jennings

MOTION: By Mr. Longley seconded by Ms. Kablanow to approve the proposed order and require that the water quality certification return to the Board for approval. Approved with Mr. Fong voting no, and Mr. Brizard recusing himself.

Florin Perkins Landfill, Inc.; Nancy C. Cleavinger, Trustee of the Nancy C. Cleavinger Revocable Trust; Audrey A. Hunt, Trustee of the Audrey A. Hunt Revocable Trust; Janet E. Harvey, Trustee of the Janet E. Harvey Revocable Trust; Sally R. Davis, and Successor In Trust, Trustee of the Sally R. Davis Trust; Audrey A. Hunt and Nancy C. Cleavinger, Trustees, under a Testamentary Trust for Sally R. Davis under the terms of the will of Robert Earl Davis as established by Decree of Distribution entered on March 28, 1991; Virginia A. Palmer, Trustee of the Virginia A. Palmer Revocable Trust; Gail Christine Brown, Trustee of the Donald Bruce Brown and Gail Christine Brown Revocable Trust, Jackson Road Landfill, Sacramento County — *Consideration of Cease and Desist Order*

A public hearing was held. No one contested the proposed order. Jeff Scharff representing Florin Perkins had a short comment for the Board in support of the permit.

MOTION: By Mr. Longley seconded by Mr. Cabaldon to approve the proposed order. Unanimously approved by role call vote.

Stockton Port District, Port of Stockton, San Joaquin County – *Consideration of Renewal of Municipal Storm Sewer System NPDES Permit*

This item was tabled from earlier in the meeting. Brett Stevens presented late revisions to the Board.

MOTION: By Mr. Fong seconded by Ms. Kablanow to approve the proposed order with the added late revisions.

The meeting was adjourned at 4:00 p.m. to the December 2/3, 2004, regular meeting.